US Army Corps
of Engineers
Fort Worth District

Public Notice

Applicant: Collin County

Permit Application No.: SWF-2006-604

Date: June 12, 2007

The purpose of this public notice is to inform you of a proposal for work in which you might be interested. It is also to solicit your comments and information to better enable us to make a reasonable decision on factors affecting the public interest. We hope you will participate in this process.

Regulatory Program

Since its early history, the U.S. Army Corps of Engineers has played an important role in the development of the nation's water resources. Originally, this involved construction of harbor fortifications and coastal defenses. Later duties included the improvement of waterways to provide avenues of commerce. An important part of our mission today is the protection of the nation's waterways through the administration of the U.S. Army Corps of Engineers Regulatory Program.

Section 10

The U.S. Army Corps of Engineers is directed by Congress under Section 10 of the Rivers and Harbors Act of 1899 (33 USC 403) to regulate *all work or structures in or affecting the course, condition or capacity of navigable waters of the United States.* The intent of this law is to protect the navigable capacity of waters important to interstate commerce.

Section 404

The U.S. Army Corps of Engineers is directed by Congress under Section 404 of the Clean Water Act (33 USC 1344) to regulate the *discharge of dredged and fill material into all waters of the United States, including wetlands.* The intent of the law is to protect the nation's waters from the indiscriminate discharge of material capable of causing pollution and to restore and maintain their chemical, physical and biological integrity.

Contact

Name: Ms. Jennifer Knowles

Phone Number: (817) 886-1863

JOINT PUBLIC NOTICE

U.S. ARMY CORPS OF ENGINEERS, FORT WORTH DISTRICT

AND

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

SUBJECT: Application for a Department of the Army Permit under Section 404 of the Clean Water Act (CWA) and for water quality certification under Section 401 of the CWA to discharge dredged and fill material into waters of the United States (U.S.) associated with the construction and operation of an approximately 7-mile long extension of Dallas North Tollway from U.S. 380 east of the city of Prosper to F.M. 428 southwest of the city of Celina, Collin County, Texas.

APPLICANT: Collin County
Mr. Ruben Delgado
County Engineer
825 North McDonald, Suite #160
McKinney, Texas 75069

APPLICATION NUMBER: SWF-2006-604

DATE ISSUED: June 12, 2007

LOCATION: The proposed roadway extension would occur adjacent to existing County Roads (C.R.) 27, 49, and 50 between the cities of Prosper and Celina in Collin County, Texas. The proposed project would be located approximately at UTM coordinates 703204.928 East and 3679735.896 North (Zone 14) on the Frisco and Celina 7.5-minute USGS quadrangle maps in the USGS Hydrologic Unit 12030103.

OTHER AGENCY AUTHORIZATIONS: State Water Quality Certification

PROJECT DESCRIPTION: The applicant proposes to extend the Dallas North Tollway (DNT) Phase 4 from the northern terminus of DNT Phase 3 northward approximately 7 miles from U.S. Highway 380 north along the west side of Collin County, east of the city of Prosper, Texas, to F.M. 428 southwest of the city of Celina, Texas (Sheets 1-8 of 8). The Phase 4 extension would be located adjacent to existing county roads. The purpose of constructing Phase 4 would be to improve transportation mobility in the north Dallas/Ft. Worth Metroplex, provide continuity with the existing DNT Phase 3, and allow abandonment of county roads that are in disrepair. The proposed extension would allow the applicant to improve the north/south transportation corridor on the west side of Collin County. The proposed extension is the first of two phases. The first phase would include construction of a northbound frontage road that would consist of a 24-foot wide concrete roadway with two 12-foot wide travel lanes with no median or shoulder. The

second phase has independent utility, would be completed at a future date, funds permitting, and is not part of this permit application.

The project area is approximately 92.6 acres and consists of 71.5 acres of uplands, 20.6 acres of emergent wetlands, 1,740 linear feet (0.32 acre) of intermittent stream, and 2,250 linear feet (0.19 acre) of ephemeral stream.

The proposed project area is located in the Blackland Prairies region of north central Texas. The region is fertile which makes it ideal for crop agriculture. The areas surrounding the project area are largely dominated by croplands. The croplands have little diversity and are dominated by corn (*Zea mays*). Wooded areas are limited to riparian zones along some of the tributaries and include tree species such as black willow (*Salix nigra*), cedar elm (*Ulmus crassifolia*), hackberry (*Celtis laevigata*), and American elm (*Ulmus americana*). An emergent wetland, at Crossing 1, consisting of cattail (*Typha latifolia*), common ragweed (*Ambrosia artemisifolia*), and black willow, appears to have been created and maintained by man-made changes to stream flow characteristics of Button Branch, an intermittent stream, which has caused water to pond and hydrophytic vegetation to establish (Sheets 3-4 of 8). The project area crosses the floodplain of the Doe Branch tributary system, which is located in the Elm Fork Trinity River Basin and is drained by a number of streams.

The proposed project would result in 5 crossings of waters of the U.S. The proposed project would result in the discharge of a total of approximately 2,131 cubic yards of dredged and fill material into waters of the U.S. primarily consisting of earthen fill, concrete culverts, and bridge columns (Sheets 4-8 of 8). Crossing 1 would require authorization by standard individual permit. Construction at Crossing 1 (Button Branch) would result in adverse impacts to 1.15 acres of emergent wetland due to excavation of a new 1,400 linear foot channel, and a discharge of fill into 0.72 acre of emergent wetland for a culvert and roadway construction (Sheet 4 of 8). Prior to impoundment, the fill of 0.72 acre of emergent wetland at Crossing 1 would have impacted 80 linear-foot of intermittent stream. Adverse effects at crossings 2-5 would range from 70 linear feet (0.01 acre) to 300 linear feet (0.06 acre), and it appears that those crossings would meet the terms and conditions of nationwide permit 14 for linear transportation projects.

The applicant evaluated several alternatives for the proposed expansion, including an alternative alignment, and an alternative bridge configuration. Alternatives for the proposed alignment included the no-build alternative; alternative I, which would result in shifting the alignment of the roadway to the east of the current alignment; alternative II, which would result in an additional bridge structure; and alternative III, which would follow the proposed alignment using existing right-of-way. Under the no-build alternative, Dallas North Tollway Phase 4 Expansion between the project limits would not constructed. This alternative would not impact waters of the U.S. However, the no-build alternative would not meet future traffic projections, would not provide geometric continuity with the Dallas North Tollway Phase 3 located south of the project, and would not allow abandonment of roadways currently in disrepair. Alternative I would require a shift in alignment to the east. This alternative would require additional right-of-way,

which would increase the potential for having additional economic, social, and environmental impacts. In addition, residential subdivisions are under construction in the vicinity, limiting the availibility of right-of-way for acquisition, and shifting the alignment east would not maximize the use of the right-of-way that was donated for the proposed project. Alternative I would be expected to result in impacts to intermittent and ephemeral streams that are waters of the U.S. Alternative II would require construction of a bridge structure over the emergent wetland at Button Branch. This alternative was rejected as the construction costs of another bridge structure was not economically practicable. Alternative III would include following the proposed alignment that has previously been designed and for which right-of-way has been donated. This alignment would meet the purpose of and need for the project and would not result in additional economic, social, and environmental impacts because the right-of-way has already been acquired. In addition, the wetlands at the Button Branch crossing are the result of a man-made condition. The applicant proposes to excavate a channel and remove the blockage preventing stream flow from moving naturally, thereby returning the stream bed to a more natural condition. Alternative III is the applicant's preferred alternative.

The applicant investigated avoidance and minimization of adverse impacts to waters of the U.S. The applicant proposes to minimize temporary impacts to waters of the U.S. by limiting the amount of clearing to only what is necessary, ensuring that equipment working within designated waters of the U.S. are placed on matting to minimize soil disturbance and compaction, ensuring that equipment and materials are not stockpiled within the floodplains, using appropriate best management practices to minimize impacts to water quality, and re-seeding the disturbed areas with appropriate seed mixtures.

Through utilization of Best Management Practices (BMPs), adverse impacts to waters of the U.S. on-site and downstream would be minimized. Further avoidance and minimization efforts on-site were not deemed feasible as the alignment of the proposed project is north-to-south while the tributaries on-site tend to flow east-to-west. The applicant feels complete avoidance of aquatic resources would not yield an economically viable project, therefore the applicant proposes to compensate for unavoidable adverse impacts through compensatory mitigation.

The applicant proposes to compensate off-site for unavoidable adverse impacts to 1.87-acres of low quality emergent wetlands, which are waters of the U.S., at Crossing 1, by purchasing credits from the Trinity River Mitigation Bank in Tarrant County at a ratio of 2 credits per acre for adverse impacts to low quality waters of the U.S. The applicant proposes to withdraw a total of 3.7 credits to compensate for unavoidable permanent adverse impacts to waters of the U.S. caused by this project.

PUBLIC INTEREST REVIEW FACTORS: This application will be reviewed in accordance with 33 CFR 320-331, the Regulatory Program of the U. S. Army Corps of Engineers (USACE), and other pertinent laws, regulations, and executive orders. Our evaluation will also follow the guidelines published by the U. S. Environmental Protection Agency pursuant to Section 404(b)(1) of the CWA. The decision whether to issue a permit will be based on an evaluation of

the probable impact, including cumulative impact, of the proposed activity on the public interest. That decision will reflect the national concerns for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered, including its cumulative effects. Among the factors addressed are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people.

The USACE is soliciting comments from the public; federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the USACE in determining whether to issue, issue with modifications, or conditions, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

STATE WATER QUALITY CERTIFICATION: This project incorporates the requirements necessary to comply with the Texas Commission on Environmental Quality's (TCEQ) Tier I project criteria. Tier I projects are those that result in a direct impact of three acres or less of waters of the State or 1,500 linear feet of streams (or a combination of the two is below the threshold) for which the applicant has incorporated best management practices (BMPs) and other provisions designed to safeguard water quality. The USACE has received a completed checklist and signed statement fulfilling Tier I criteria for the project. Accordingly, a request for 401 certification is not necessary and there will be no additional TCEQ review.

ENDANGERED AND THREATENED SPECIES: The USACE has reviewed the U.S. Fish and Wildlife Service's latest published version of endangered and threatened species to determine if any may occur in the project area. The proposed project would be located in a county where the whooping crane (*Grus americana*) and bald eagle (*Haliaeetus leucocephalus*) are known to occur or may occur as migrants. The whooping crane is an endangered species and the bald eagle is a threatened species. Our initial review indicates that the proposed work would have no effect on federally-listed endangered or threatened species.

NATIONAL REGISTER OF HISTORIC PLACES: The USACE has reviewed the latest complete published version of the National Register of Historic Places and found no listed properties to be in the project area. However, presently unknown scientific, archaeological,

cultural or architectural data may be lost or destroyed by the proposed work under the requested permit.

FLOODPLAIN MANAGEMENT: The USACE is sending a copy of this public notice to the local floodplain administrator. In accordance with 44 CFR part 60 (Flood Plain Management Regulations Criteria for Land Management and Use), the floodplain administrators of participating communities are required to review all proposed development to determine if a floodplain development permit is required and maintain records of such review.

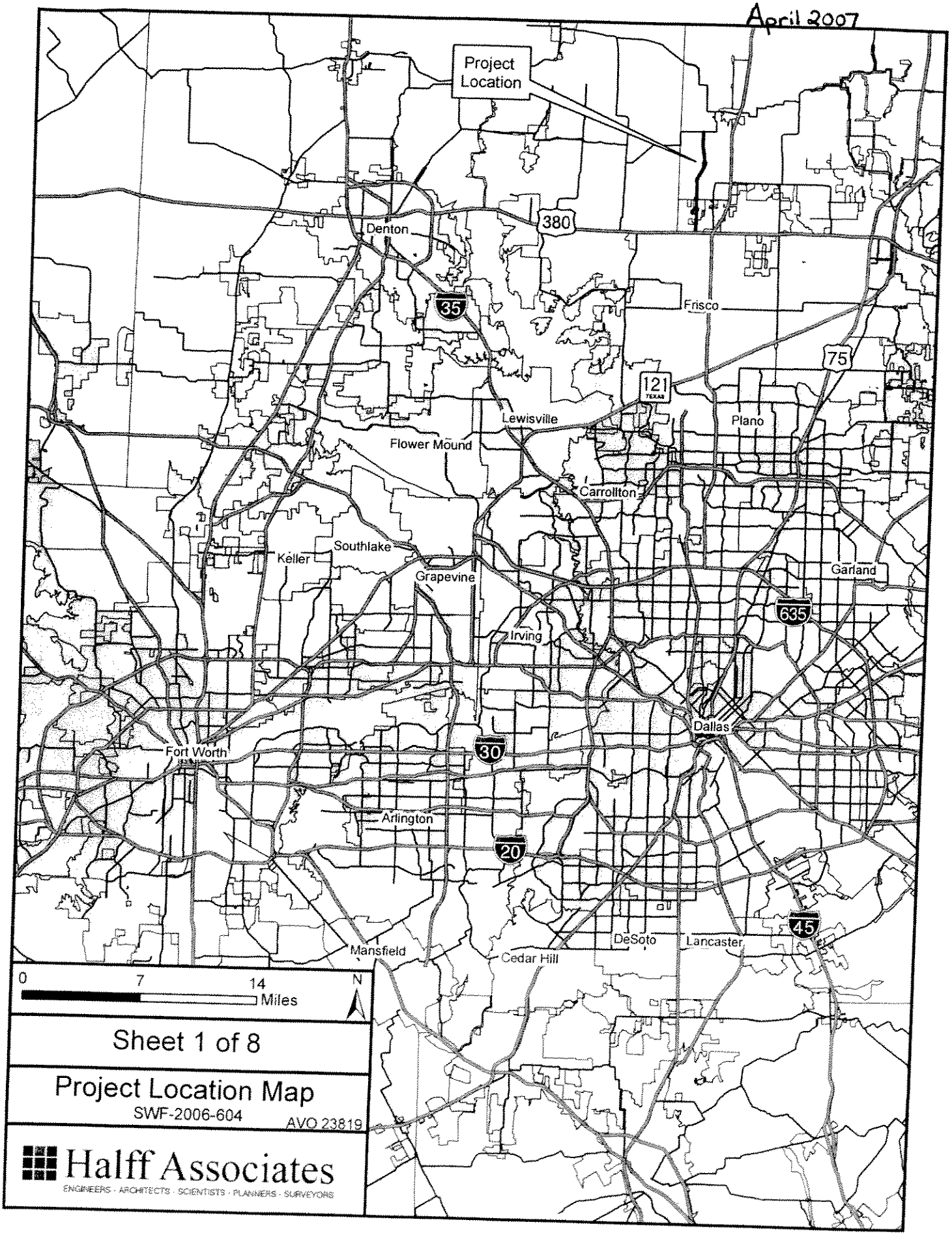
SOLICITATION OF COMMENTS: The public notice is being distributed to all known interested persons in order to assist in developing fact upon which a decision by the USACE may be based. For accuracy and completeness of the record, all data in support of or in opposition to the proposed work should be submitted in writing setting forth sufficient detail to furnish a clear understanding of the reasons for support or opposition.

PUBLIC HEARING: Prior to the close of the comment period any person may make a written request for a public hearing setting forth the particular reasons for the request. The District Engineer will determine whether the issues raised are substantial and should be considered in his permit decision. If a public hearing is warranted, all known interested persons will be notified of the time, date, and location.

CLOSE OF COMMENT PERIOD: All comments pertaining to this Public Notice must reach this office on or before July 11, 2007, which is the close of the comment period. Extensions of the comment period may be granted for valid reasons provided a written request is received by the limiting date. If no comments are received by that date, it will be considered that there are no objections. Comments and requests for additional information should be submitted to Jennifer Knowles; Regulatory Branch, CESWF-PER-R; U. S. Army Corps of Engineers; Post Office Box 17300; Fort Worth, Texas 76102-0300. You may visit the Regulatory Branch in Room 3A37 of the Federal Building at 819 Taylor Street in Fort Worth between 8:00 A.M. and 3:30 P.M., Monday through Friday. Telephone inquiries should be directed to (817) 886-1731. Please note that names and addresses of those who submit comments in response to this public notice may be made publicly available.

DISTRICT ENGINEER
FORT WORTH DISTRICT
CORPS OF ENGINEERS

April 2007



Sheet 1 of 8

Project Location Map

SWF-2006-604 AVO 23819

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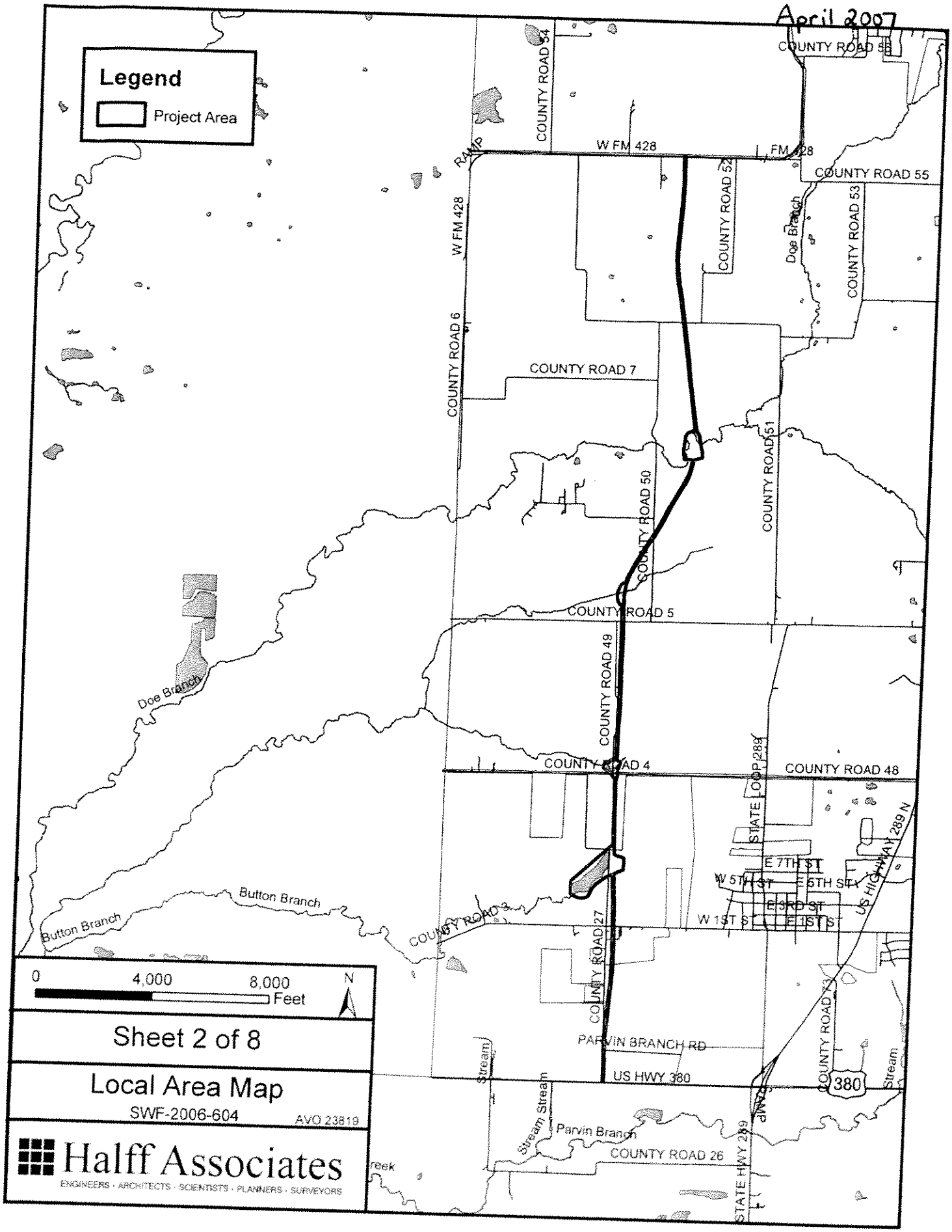
April 2007



Sheet 2 of 8

Local Area Map

SWF-2006-604 AVO 23819

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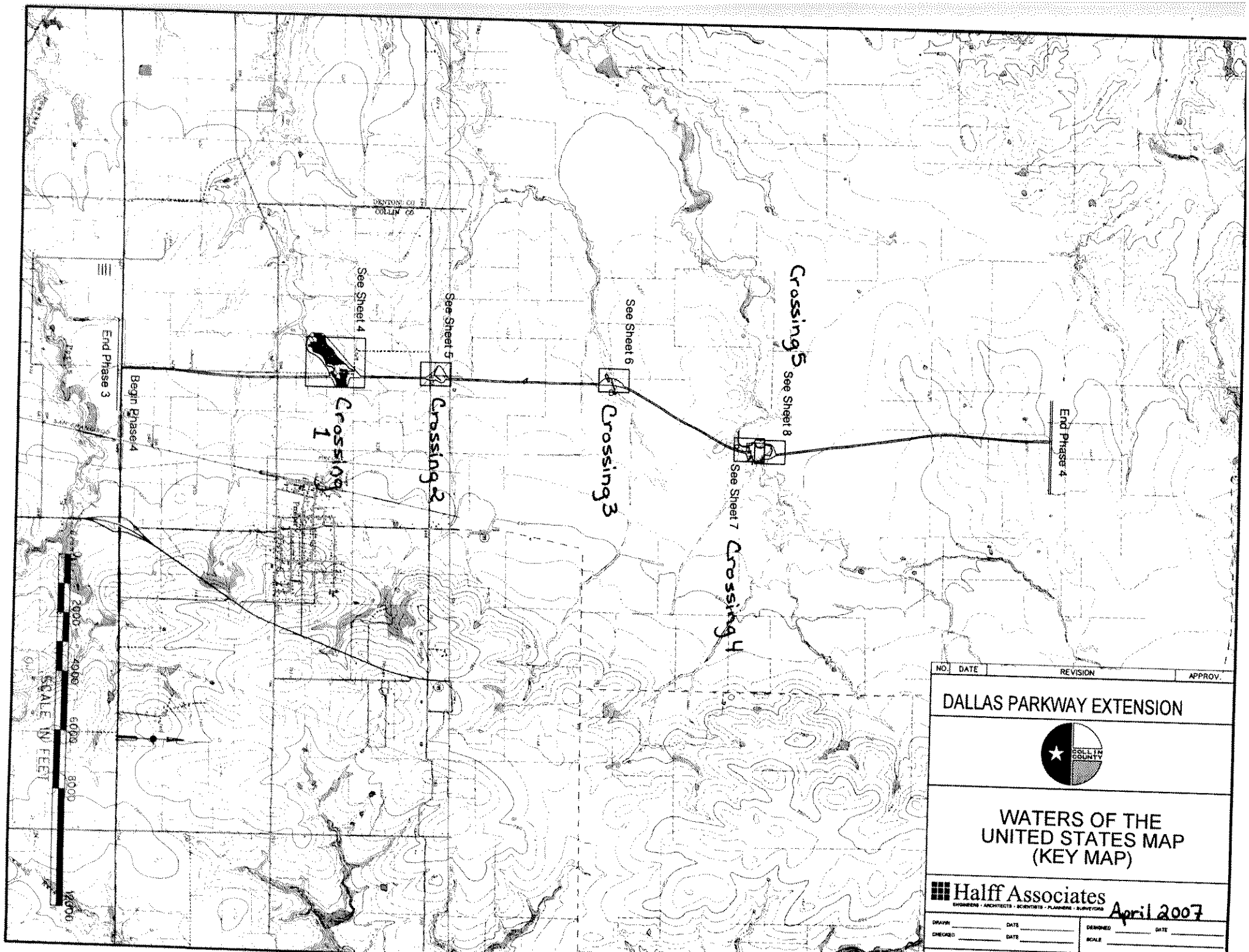

NO.	DATE	REVISION	APPROV.

DALLAS PARKWAY EXTENSION

COLLIN COUNTY

WATERS OF THE UNITED STATES MAP (KEY MAP)

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SCALE _____

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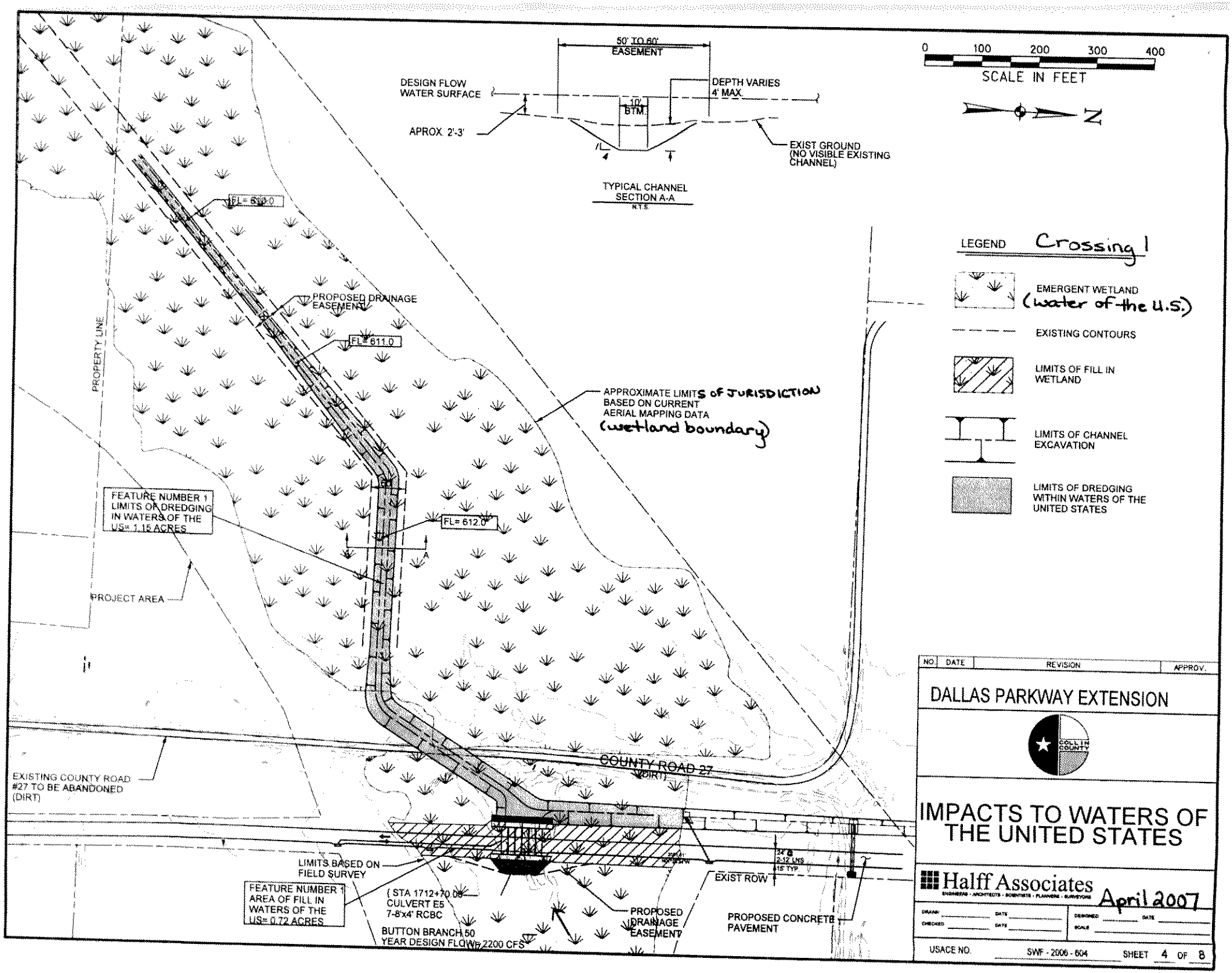
50' TO 60' EASEMENT
DESIGN FLOW WATER SURFACE
DEPTH VARIES 4' MAX.
10' BTM.
APROX. 2'-3'
EXIST GROUND (NO VISIBLE EXISTING CHANNEL)
TYPICAL CHANNEL SECTION A-A
N.T.S.
0 100 200 300 400
SCALE IN FEET
N
LEGEND
Crossing 1
EMERGENT WETLAND (water of the U.S.)
EXISTING CONTOURS
LIMITS OF FILL IN WETLAND
LIMITS OF CHANNEL EXCAVATION
LIMITS OF DREDGING WITHIN WATERS OF THE UNITED STATES
PROPERTY LINE
PROPOSED DRAINAGE EASEMENT
FL= 610.0
FL= 611.0
FL= 612.0
APPROXIMATE LIMITS OF JURISDICTION BASED ON CURRENT AERIAL MAPPING DATA (wetland boundary)
FEATURE NUMBER 1 LIMITS OF DREDGING IN WATERS OF THE US= 1.15 ACRES
PROJECT AREA
EXISTING COUNTY ROAD #27 TO BE ABANDONED (DIRT)
COUNTY ROAD 27 (DIRT)
LIMITS BASED ON FIELD SURVEY
FEATURE NUMBER 1 AREA OF FILL IN WATERS OF THE US= 0.72 ACRES
STA 1712+70.00 CULVERT E5 7-8'x4' RCBC
BUTTON BRANCH 50 YEAR DESIGN FLOW = 2200 CFS
PROPOSED DRAINAGE EASEMENT
EXIST ROW
24' @ 2-12' LNS 15' TYP
PROPOSED CONCRETE PAVEMENT
NO. DATE REVISION APPROV.
DALLAS PARKWAY EXTENSION
COLLIN COUNTY
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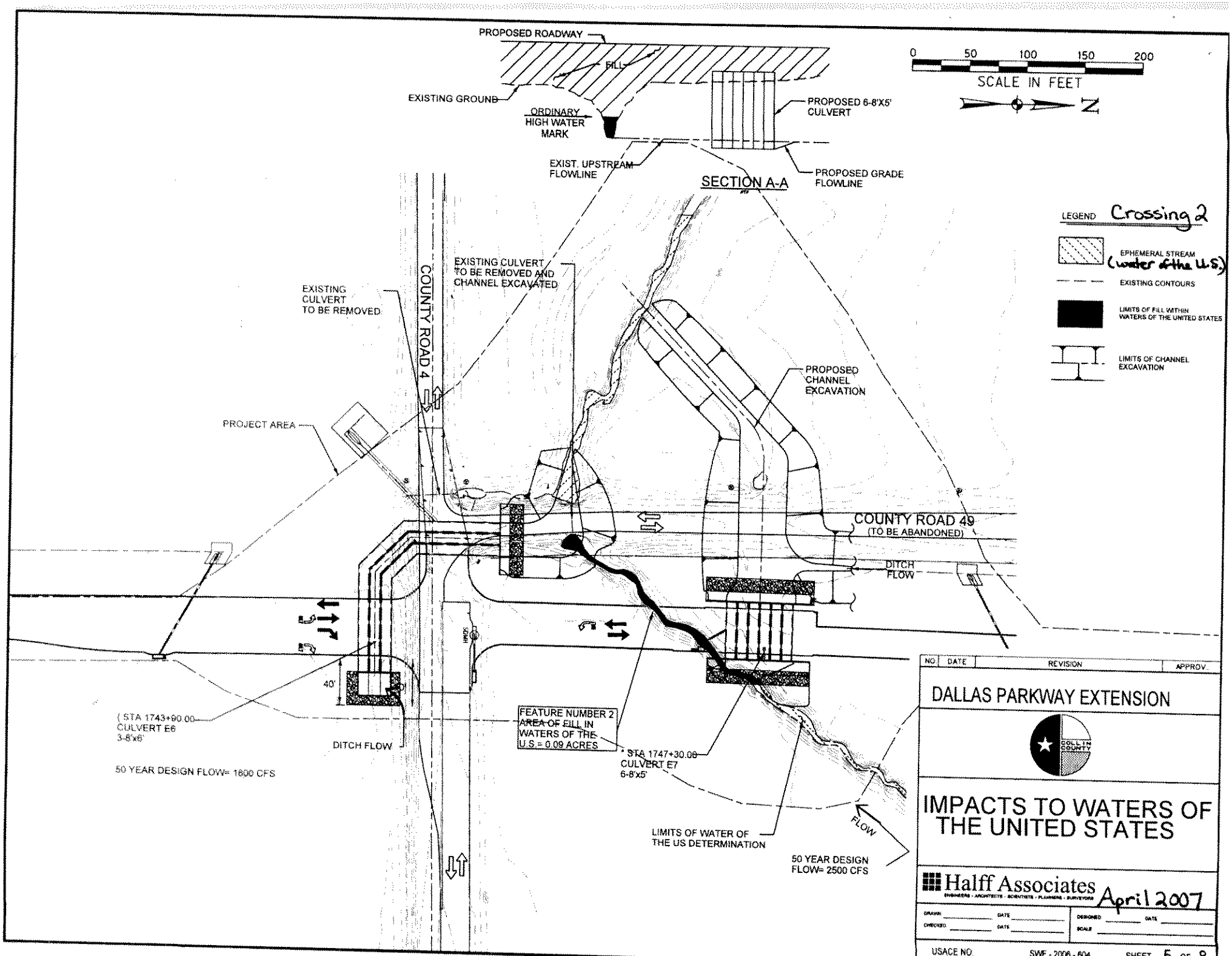
SCALE
USACE NO. SWF - 2006 - 604
SHEET 4 OF 8


PROPOSED ROADWAY
FILL
EXISTING GROUND
ORDINARY HIGH WATER MARK
PROPOSED 6-8'X5' CULVERT
EXIST. UPSTREAM FLOWLINE
PROPOSED GRADE FLOWLINE
SECTION A-A
0 50 100 150 200
SCALE IN FEET
N
LEGEND Crossing 2
EPHEMERAL STREAM (water of the U.S.)
EXISTING CONTOURS
LIMITS OF FILL WITHIN WATERS OF THE UNITED STATES
LIMITS OF CHANNEL EXCAVATION
EXISTING CULVERT TO BE REMOVED AND CHANNEL EXCAVATED
EXISTING CULVERT TO BE REMOVED
COUNTY ROAD 4
PROPOSED CHANNEL EXCAVATION
PROJECT AREA
COUNTY ROAD 49 (TO BE ABANDONED)
DITCH FLOW
40'
(STA 1743+90.00 CULVERT E6 3-8'x6'
DITCH FLOW
50 YEAR DESIGN FLOW= 1600 CFS
FEATURE NUMBER 2 AREA OF FILL IN WATERS OF THE U.S.= 0.09 ACRES
STA 1747+30.00 CULVERT E7 6-8'x5'
LIMITS OF WATER OF THE US DETERMINATION
FLOW
50 YEAR DESIGN FLOW= 2500 CFS
NO DATE REVISION APPROV.
DALLAS PARKWAY EXTENSION
COLLIN COUNTY
IMPACTS TO WATERS OF THE UNITED STATES
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April 2007
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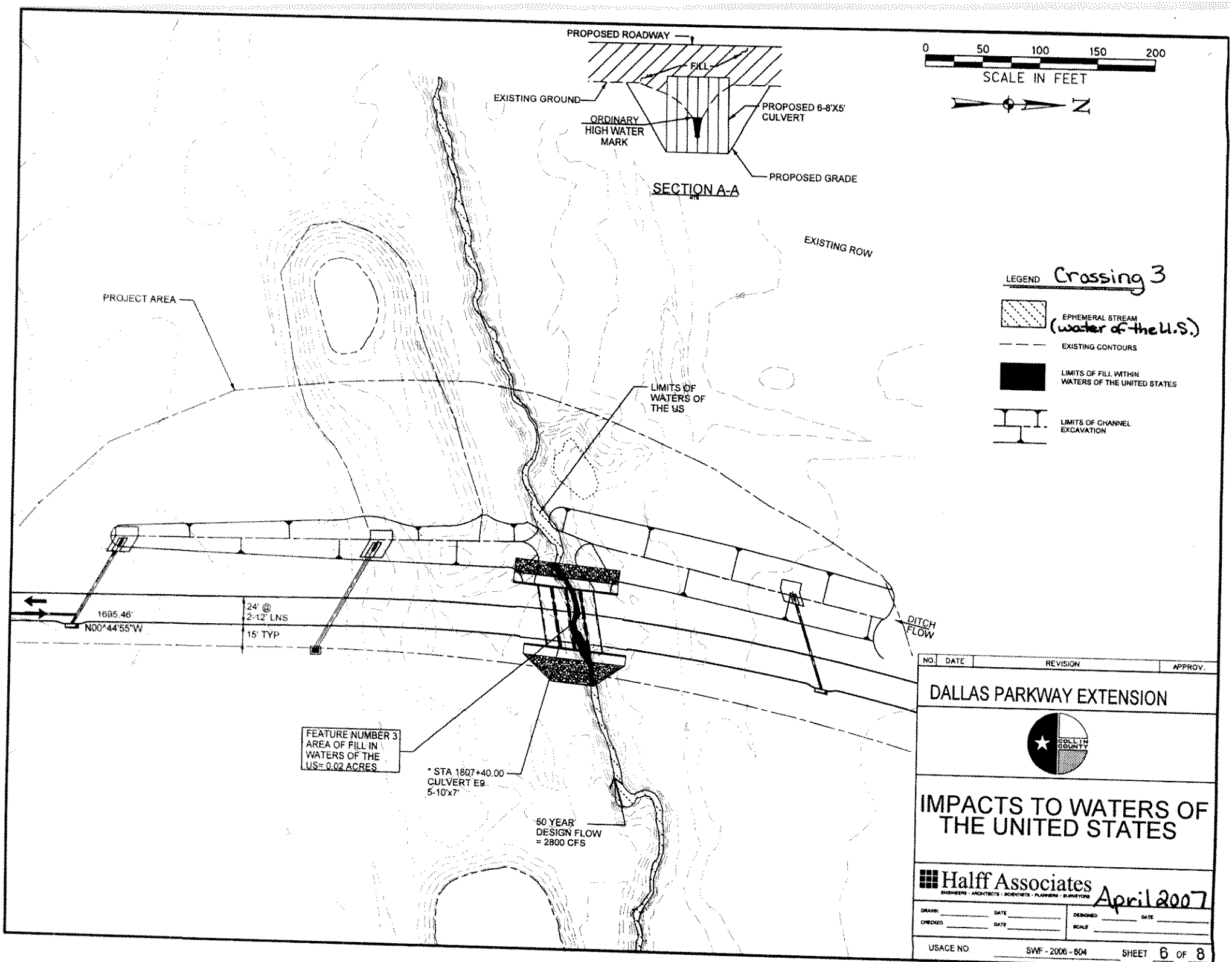
DESIGNED DATE
SCALE
USACE NO. SWF - 2006 - 604
SHEET 5 OF 8


PROPOSED ROADWAY
FILL
EXISTING GROUND
ORDINARY HIGH WATER MARK
PROPOSED 6-8'X5' CULVERT
PROPOSED GRADE
SECTION A-A
0 50 100 150 200
SCALE IN FEET
N
EXISTING ROW
LEGEND Crossing 3
EPHEMERAL STREAM (water of the U.S.)
EXISTING CONTOURS
LIMITS OF FILL WITHIN WATERS OF THE UNITED STATES
LIMITS OF CHANNEL EXCAVATION
PROJECT AREA
LIMITS OF WATERS OF THE US
1695.46'
N00°44'55"W
24' @ 2-12' LNS
15' TYP
DITCH FLOW
FEATURE NUMBER 3
AREA OF FILL IN WATERS OF THE US= 0.02 ACRES
* STA 1807+40.00
CULVERT E9
5-10'x7'
50 YEAR DESIGN FLOW = 2800 CFS
NO. DATE REVISION APPROV.
DALLAS PARKWAY EXTENSION
COLLIN COUNTY
IMPACTS TO WATERS OF THE UNITED STATES
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April 2007
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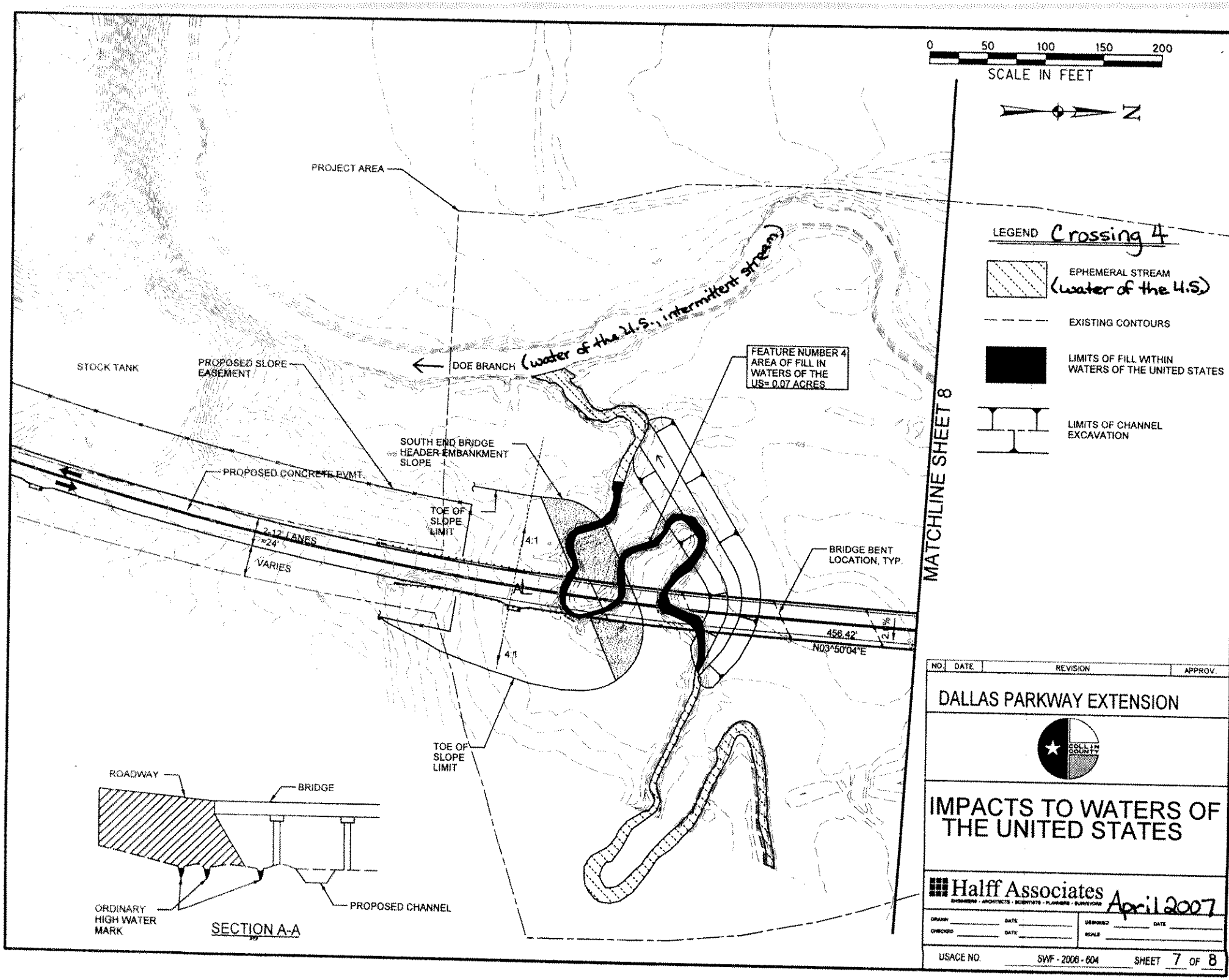
CHECKED DATE
DESIGNED DATE
SCALE
USACE NO. SWF - 2006 - 604
SHEET 6 OF 8



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DALLAS PARKWAY EXTENSION

COLLIN COUNTY

IMPACTS TO WATERS OF THE UNITED STATES

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April 2007

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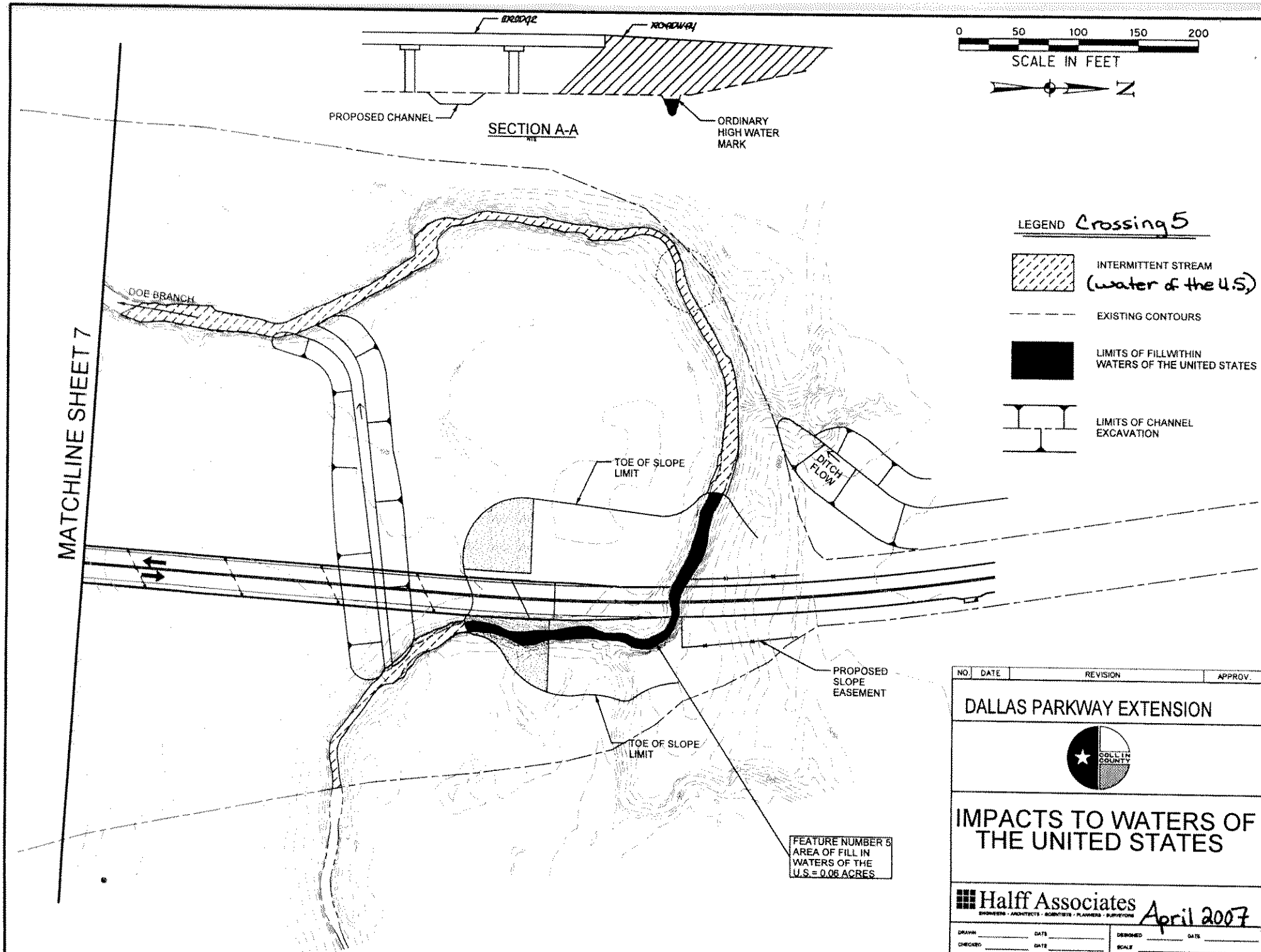
USACE NO. SWF - 2006 - 604 SHEET 7 OF 8



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USACE NO. SWF - 2006 - 604 SHEET 8 OF 8